

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13
Harry J. Wexler, Jr. and :
Karen J. Wexler,
Debtors. : Bankruptcy No. 17-15476-MDC

O R D E R

AND NOW, upon consideration of the Application for Compensation of Attorney's Fees (the "Application")¹ filed by Young, Marr & Associates (the "Applicant"), counsel to Harry J. Wexler, Jr. and Karen J. Wexler (the "Debtors"), in which the Applicant requests the allowance of compensation in the amount of \$3,500.00 and the reimbursement of expenses in the amount \$0.00.

AND, the Applicant having been paid \$1,400.00 by the Debtors prior to the filing of the petition (the "Pre-Paid Amount").

AND, the Applicant certified that proper service has been made on all interested parties.

AND, the Applicant filed a certification of no response.

AND, the Court of Appeals has held that the bankruptcy court "has a duty to review fee applications, notwithstanding the absence of objections by the United States Trustee . . . , creditors, or any other interested party, a duty which . . . derives from the court's inherent obligation to monitor the debtor's estate and to serve the public interest," *In re Busy Beaver Bldg. Centers, Inc.*, 19 F.3d 833, 841 (3d Cir. 1994) (emphasis in original).

AND, the Court of Appeals also has instructed that the bankruptcy courts should not "become enmeshed in a meticulous analysis of every detailed facet of the professional representation [to the point] that the inquiry into the adequacy of the fee assume[s] massive proportions, perhaps even dwarfing the case in chief."

¹ Bankr. Docket No. 23.

AND, this case involves the representation of below-median debtors. *See generally* 11 U.S.C. §1325(b) (establishing different standards for measuring plan confirmability depending upon whether the debtor's is above median or below median); Official Form 22C (requiring less financial disclosure from below-median debtors).

AND, pursuant to the version of L.B.R. 2016-2(a)(1) at the time of the filing of the Application, the court is authorized to allow counsel fees in chapter 13 cases involving below-median debtors of up to \$3,000.00 based on a “short form application,” that does not require an itemization of time.

AND, the Applicant elected to file the Application pursuant to L.B.R. 2016-2(a)(1), despite requesting compensation that exceeds the amount the court is authorized to allow in chapter 13 cases involving below-median debtors.

AND, the Applicant failed to file the Application in a form consistent with L.B.R. 2016-3.

It is hereby **ORDERED** that:

1. The Application is **GRANTED IN PART** and **DENIED IN PART**.
2. Compensation is allowed in favor of the Applicant in the total amount of \$3,000.00 and reimbursement of expenses is allowed in favor of the Applicant in the amount of \$0.00 (the “Allowed Compensation and Expenses”). *See* L.B.R. 2016-1(f) (governing procedure for disposition of fee applications without a hearing).
3. The Trustee is authorized to distribute to the Applicant the Allowed Compensation and Expenses less the Pre-Paid Amount as an administrative expense pursuant to 11 U.S.C. §§ 330, 331, 503(b).

Dated: May 11, 2018



MAGDELENE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE

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